

6-12-2014

Thrall v. St. Luke's Regional Medical Center Clerk's Record v. 1 Dckt. 41991

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1-2
BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

JOAN M. THRALL,

Claimant/Appellant,

v.

ST. LUKE'S REGIONAL MEDICAL CENTER,

Employer/Respondent,

and

BOISE PATHOLOGY GROUP, P.A.,

Major Base Employer/Respondent,

IDAHO DEPARTMENT OF LABOR,

Respondent.

SUPREME COURT NO. 41991

AGENCY RECORD

IC 1961-
20141

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

For Claimant/Appellant

JOAN M THRALL
C/O GREG LAWSON
811 E CHICAGO ST
CALDWELL ID 83605

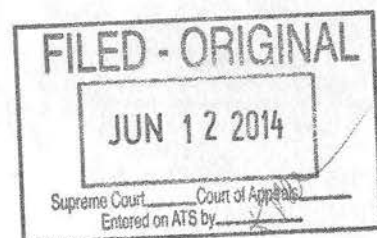
For Employers/Respondents

ST LUKE'S REGIONAL MEDICAL CENTER LTD
C/O CHRISTINE M SALMI
PERKINS COIE LLP
1111 WEST JEFFERSON ST STE 500
BOISE ID 83702-5391

BOISE PATHOLOGY GROUP PA
190 E BANNOCK ST
BOISE ID 83712-6241

For Respondent

TRACEY K ROLFSSEN
DEPUTY ATTORNEY GENERAL
317 W MAIN STREET
BOISE ID 83735



41991

ORIGINAL

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

JOAN M. THRALL,

Claimant/Appellant,

v.

ST. LUKE'S REGIONAL MEDICAL CENTER,

Employer/Respondent,

and

BOISE PATHOLOGY GROUP, P.A.,

Major Base Employer/Respondent,

IDAHO DEPARTMENT OF LABOR,

Respondent.

SUPREME COURT NO. 41991

AGENCY RECORD

RECEIVED
IDAHO SUPREME COURT
COURT OF APPEALS
2011 JUN 12 PM 3:27

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

For Claimant/Appellant

JOAN M THRALL
C/O GREG LAWSON
811 E CHICAGO ST
CALDWELL ID 83605

For Employers/Respondents

ST LUKE'S REGIONAL MEDICAL CENTER LTD
C/O CHRISTINE M SALMI
PERKINS COIE LLP
1111 WEST JEFFERSON ST STE 500
BOISE ID 83702-5391

BOISE PATHOLOGY GROUP PA
190 E BANNOCK ST
BOISE ID 83712-6241

For Respondent

TRACEY K ROLFSEN
DEPUTY ATTORNEY GENERAL
317 W MAIN STREET
BOISE ID 83735

TABLE OF CONTENTS

LIST OF EXHIBITS	i
DECISION OF APPEALS EXAMINER mailed date 12/06/2013.....	1
APPEAL'S EXAMINER'S NOTES	6
NOTICE OF APPEAL AND APPEARANCE ON BEHALF OF EMPLOYER/APPELLANT ST. LUKE'S REGIONAL MEDICAL CENTER, LTD. file date 12/18/2013	7
COMMISSION NOTICE OF FILING OF APPEAL file date 12/27/2013.....	10
IDAHO DEPARTMENT OF LABOR NOTICE OF APPEARANCE file date 01/09/2014	15
COMMISSION DECISION AND ORDER file date 02/12/2014.....	17
CLAIMANT'S SUPREME COURT APPEAL file date 03/25/2014.....	27
COMMISSION CERTIFICATE OF APPEAL dated 03/27/2014	31
CERTIFICATION dated 03/27/2014	33
CLAIMANT'S AMENDED NOTICE OF APPEAL dated 04/28/14	34
NOTICE OF APPEARANCE ON BEHALF OF EMPLOYER/APPELLANT ST. LUKE'S REGIONAL MEDICAL CENTER, LTD. Dated 04/30/14.....	39
CERTIFICATION OF RECORD dated 05/02/2014	43
COMMISSION NOTICE OF COMPLETION file date 05/02/2014	44

INDEX

APPEAL'S EXAMINER'S NOTES	6
CERTIFICATION dated 03/27/2014	33
CERTIFICATION OF RECORD dated 05/02/2014	43
CLAIMANT'S AMENDED NOTICE OF APPEAL dated 04/28/14	34
CLAIMANT'S SUPREME COURT APPEAL file date 03/25/2014.....	27
COMMISSION CERTIFICATE OF APPEAL dated 03/27/2014	31
COMMISSION DECISION AND ORDER file date 02/12/2014.....	17
COMMISSION NOTICE OF COMPLETION file date 05/02/2014	44
COMMISSION NOTICE OF FILING OF APPEAL file date 12/27/2013.....	10
DECISION OF APPEALS EXAMINER mailed date 12/06/2013.....	1
IDAHO DEPARTMENT OF LABOR NOTICE OF APPEARANCE file date 01/09/2014	15
LIST OF EXHIBITS.....	i
NOTICE OF APPEAL AND APPEARANCE ON BEHALF OF EMPLOYER/APPELLANT	
NOTICE OF APPEARANCE ON BEHALF OF EMPLOYER/APPELLANT ST. LUKE'S	
REGIONAL MEDICAL CENTER, LTD. Dated 04/30/14.....	39
ST. LUKE'S REGIONAL MEDICAL CENTER, LTD. file date 12/18/2013	7

APPEALS BUREAU
IDAHO DEPARTMENT OF LABOR
317 WEST MAIN STREET / BOISE, IDAHO 83735-0720
(208) 332-3572 / (800) 621-4938
FAX: (208) 334-6440

JOAN M THRALL,

SSN: [REDACTED]

Claimant

vs.

ST. LUKES REGIONAL MEDICAL,
Employer

and

BOISE PATHOLOGY GROUP PA,
Major Base Employer

and

IDAHO DEPARTMENT OF LABOR

DOCKET NUMBER 1961-2014

DECISION OF APPEALS EXAMINER

DECISION

Benefits are **ALLOWED** effective October 06, 2013. The claimant quit a job for good cause in connection with the employment, as defined by §72-1366(5) of the Idaho Employment Security Law.

The Eligibility Determination dated October 29, 2013 is hereby **REVERSED**.

HISTORY OF THE CASE

The claimant filed a timely protest of the Eligibility Determination that found that claimant had quit a job without good cause. The above-entitled matter was heard by Mark Richmond, Appeals Examiner of the Idaho Department of Labor, on December 02, 2013, by telephone in the City of Boise, in accordance with §72-1368 (6) of the Idaho Employment Security Law.

The claimant, Joan M. Thrall appeared and testified. Also appearing on Claimant's behalf:
Greg Lawson - Attorney

The employer, St. Lukes Regional Medical appeared. Appearing on Employer's behalf and providing testimony:

Lacey Olson

Amy Marsh

Brenda Miranda

Anne Sergeant

The Idaho Department of Labor did not participate in the hearing.

Exhibits 1 through 8 were entered into and made a part of the record at the hearing without objection.

ISSUES

The issues before the Appeals Examiner are as follows:

1. Whether unemployment is due to the claimant quitting voluntarily and, if so, whether with good cause connected with the employment OR being discharged and, if so, whether for misconduct in connection with the employment, according to § 72-1366(5) of the Idaho Employment Security Law.

FINDINGS OF FACT

Additional facts or testimony may exist in this case. However, the Appeals Examiner outlines only those that are relevant to the decision and those based upon reliable evidence. Based on the exhibits and testimony in the record, the following facts are found:

1. The claimant was hired on March 13, 2000.
2. The claimant resigned her position as a laboratory technician on October 4, 2013.
3. The employer stated the claimant's job was in jeopardy and she would have been discharged had she not voluntarily resigned her position.
4. The employer advised the claimant that "personal reasons" was a reasonable statement for the reason for the resignation.
5. The employer stated the claimant was not aware of the intent to discharge prior to the request for resignation.
6. The claimant stated she told the employer she was not going to resign and was told that if she did not resign she was going to be immediately discharged.

AUTHORITY

Section 72-1366(5) of the Idaho Employment Security Law provides that a claimant shall be eligible for benefits provided unemployment is not due to the fact that the claimant left employment voluntarily without good cause, or was discharged for misconduct in connection with employment.

The fact of discharge does not depend upon the use of formal words of firing. The test is whether sufficient words or actions by the employer would logically lead a prudent man to believe his tenure had been terminated. *Jackson vs. Minidoka Irrigation Dist.*, 98 Idaho 330, 563 P.2d 54 (1977), *Hart vs. Deary High School*, 126 Idaho 550, 552, 887 P.2d 1057, 1059 (1994).

The employer must carry the burden of proving that the employee was discharged for employment related misconduct. *Parker vs. St. Maries Plywood*, 101 Idaho 415, 614 P.2d 955 (1980).

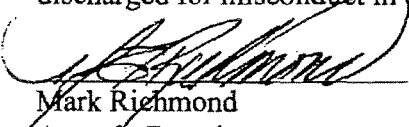
Misconduct within the meaning of an unemployment compensation act excluding from its benefit an employee discharged for misconduct must be an act of wanton or willful disregard of the employer's interest, a deliberate violation of the employer's rules, a disregard of standards of

behavior which the employer has the right to expect of his employee, or negligence in such degree or recurrence as to manifest culpability, wrongful intent, or evil design, or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer. Rasmussen vs. Employment Security Agency, 83 Idaho 198, 360 P.2d 90 (1961).

An employer may discharge an employee for any reason. However, only a discharge that is found to constitute misconduct for unemployment insurance purposes makes an employee ineligible for benefits. The employer must carry the burden of proving that the employee was discharged for employment related misconduct. Parker vs. St. Maries Plywood, 101 Idaho 415, 614 P.2d 955 (1980). After an otherwise eligible employee has been fired but voluntarily terminates his employment prior to the effective date, his eligibility for receipt of unemployment benefits is not affected following the termination. McCammon vs. Yellowstone Company, Inc., 100 Idaho 926, 607 P.2d 434 (1980).

CONCLUSIONS

Here, the employer asked the claimant to resign. For unemployment insurance purposes, a forced resignation is viewed as a discharge. In a discharge, the employer bears the burden of proving by a preponderance of the evidence that the claimant was discharged for employment related misconduct before benefits can be denied. The employer has presented no competent evidence to show that the claimant did not perform her job duties as expected or that she was discharged for misconduct in connection with the employment. Benefits are allowed.


Mark Richmond
Appeals Examiner
Examinador de Apelaciones

Date of Mailing December 6, 2013
Fecha De Envío

Last Day To Appeal December 20, 2013
Ultimo Día Para Apelar

APPEAL RIGHTS

You have FOURTEEN (14) DAYS FROM THE DATE OF MAILING to file a written appeal with the Idaho Industrial Commission. The appeal must be taken or mailed to:

Idaho Industrial Commission
Judicial Division, IDOL Appeals
P.O. Box 83720
Boise, Idaho 83720-0041

In person: Idaho Industrial Commission
700 S Clearwater Lane
Boise Idaho 83712

Or transmitted by facsimile to (208) 332-7558 Attn: IDOL Appeals.

If the appeal is mailed, it must be postmarked no later than the last day to appeal. An appeal filed by facsimile transmission must be received by the Commission by 5:00 p.m., Mountain Time, on the last day to appeal. A facsimile transmission received after 5:00 p.m. will be deemed received by

the Commission on the next business day. A late appeal will be dismissed. Appeals filed by any means with the Appeals Bureau or an Idaho Department of Labor local office will not be accepted by the Commission. **TO EMPLOYERS WHO ARE INCORPORATED:** *If you file an appeal with the Idaho Industrial Commission, the appeal must be signed by a corporate officer or legal counsel licensed to practice in the State of Idaho and the signature must include the individual's title. The Commission will not consider appeals submitted by employer representatives who are not attorneys. If you request a hearing before the Commission or permission to file a legal brief, you must make these requests through legal counsel licensed to practice in the State of Idaho. Questions should be directed to the Idaho Industrial Commission, Unemployment Appeals, (208) 334-6024.*

If no appeal is filed, this decision will become final and cannot be changed. **TO CLAIMANT:** If this decision is changed, any benefits paid will be subject to repayment. If an appeal is filed, you should continue to report on your claim as long as you are unemployed.

DERECHOS DE APELACIÓN

Usted tiene CATORCE (14) DIAS DESDE LA FECHA DE ENVIO para archivar una apelación escrita con la Comisión Industrial de Idaho. La apelación debe ser llevada o enviada a:

Idaho Industrial Commission
Judicial Division, IDOL Appeals
P.O. Box 83720
Boise, Idaho 83720-0041

In person:

Idaho Industrial Commission
700 S Clearwater Lane
Boise Idaho 83712

Or transmitted by facsimile to (208) 332-7558 Attn: IDOL Appeals.

Si la apelación es enviada por correo, la fecha en el sello del correo debe ser no más tarde de la fecha del último día en que puede apelar. Una apelación tardada será descartada. Apelaciones archivadas con la Agencia de Apelaciones o con la Oficina de Empleo no serán aceptadas por la Comisión. Una apelación archivada por medio de fax debe ser recibida por la comisión no mas tarde de las 5:00 P.M. Hora Standard de la Montaña, del último día en que puede apelar. Una transmisión de fax recibida después de las 5:00 P.M. se considerará recibida por la comisión, hasta el próximo día hábil. **EMPLEADORES QUE SON INCORPORADOS:** *Si una apelación es archivada en la Comisión Industrial de Idaho, la apelación tiene que ser firmada por un oficial o representante designado y la firma debe incluir el título del individuo. Si solicita una audiencia ante la Comisión Industrial, o permiso para archivar un escrito legal, ésta solicitud se debera de hacer por medio de un abogado con licencia para practicar en el estado de Idaho. Preguntas deben ser dirigidas a la Comisión Industrial de Idaho, Unemployment Appeals, (208) 334-6024.*

Si ninguna apelación se archiva, esta decisión será la final y no podrá cambiarse. **AL RECLAMANTE:** Si esta decisión se cambia, todos los beneficios pagados estarán sujetos a reembolso. Si una apelación se archiva, usted debería de continuar reportando en su reclamo mientras esté desempleado.

APPEALS BUREAU
IDAHO DEPARTMENT OF LABOR
317 WEST MAIN STREET / BOISE, IDAHO 83735-0720
(208) 332-3572 / (800) 621-4938
FAX: (208) 334-6440

CERTIFICATE OF SERVICE

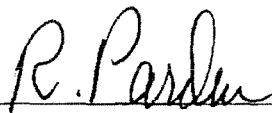
I hereby certify that on DEC 9 8 2013, a true and correct copy of **Decision of Appeals Examiner** was served by regular United States mail upon each of the following:

ST. LUKES REGIONAL MEDICAL
C/O HR - LACEY
148 E JEFFERSON ST
BOISE ID 83702-

JOAN M THRALL
1402 S GOURLEY STREET
BOISE ID 83705-

BOISE PATHOLOGY GROUP PA
190 E BANNOCK STREET
BOISE ID 83712-6241

GREG LAWSON
HAMMOND LAW OFFICE P.A.
811 E. CHICAGO ST.
CALDWELL, ID 83605



The request failed with HTTP status 401: Unauthorized.

Quick Load

Docket Number: Year: 2014 Higher Court: Appeal Source: UI - Basls Load

Appeal Information

Docket Number: 1961 **Year:** 2014 **SSN:** 564117463 **Name:** THRALL, JOAN M Edit
Court Level: Appeal **Date Filed:** 11/07/2013 **Due Out Date:** 12/05/2013
Appellant: Claimant **Program:** REG - UI **Related To Docket:**
Status: Scheduled **Local Office:** 0030 - Boise Job Service
Multiple Appeals: ☐ **Tax Due:** \$0.00 **Penalty:** \$0.00 **Interest:** \$0.00
Tax Rep Name:
Setup By: **Setup Date:** **Setup**
Scheduled By: tgregory **Scheduled Set On:** 11/19/2013

Participants

Type	Name	Address	City	State	Zip	Phone	Fax Phone
Claimant	THRALL, JOAN M	1402 S Gourley St	Boise	ID	83705	(208) 250-2491	
Major Base Employer	BOISE PATHOLOGY GROUP PA	190 E BANNOCK ST	BOISE	ID	83712-6241	(208) 555-1212	
Employer	ST LUKES REGIONAL MEDICAL ATTN: HR - LACEY	148 E JEFFERSON ST	BOISE	ID	83702		
Claimant's Representative	GREG LAWSON / HAMMOND LAW OFFICE	811 E CHICAGO ST	CALDWELL	ID	83605	208-453-4857	208-453-4861

Issues

Issue ID	Level	Sequence	Primary	Issue	Status	Determination	Decision	Resolution
010		0	Primary	Quit	Allow	Allow	Reversed	010

Schedule Information

Examiner	Date	Start	End	MeetingID	Status
Mark Richmond	Dec 2, 2013	1:00 PM	2:00 PM		Past

Notes

Note	UpdatedBy	LastUpdated
Rec'd 8 page fax from employer. Attached to file and gave to AE.	DOE\cphillip	11/26/2013 3:17:59 PM
Rec'd 1 page fax from claimant's attny. NoA and Subpoena request. Attached to file and gave to AE.	DOE\cphillip	11/26/2013 3:19:10 PM
Call from Greg Lawson, attny/CL, checking status of subpoena request sent 11/26. Per AE not issuing subpoena, asked for statement of relevance and AE said he will ask the ER to provide the documents. Attmy said he will most likely be asking for continuance, advised he can submit but hearing is today so will need to ask the AE also during the hearing. No postponements the day of hearings by support staff. Attmy said he will fax over the stmt of relevance and continuance request. Added attmy to app as CL rep.	DOE\csallsbu	12/2/2013 10:56:06 AM
1 page additional doc rec'd from Hammond Law. Gave directly to AE as hearing was just beginning.	DOE\cphillip	12/2/2013 1:09:02 PM
Additional 3 page fax rec'd from Hammond Law Office. Gave directly to AE.	DOE\cphillip	12/2/2013 1:18:19 PM
IC Protest received; processed as needed.	DOE\egloock	12/18/2013 3:06:03 PM

Documents

Add Document
 NTH
 Dismissal
 Select a Document to Build...
 ☒ Ones
 ☐ AX
 ☐ UI Tasks

Jeffrey S. Wilson (ISB# 7949)
ST. LUKE'S HEALTH SYSTEM, LTD.
190 E. Bannock St.
Boise, ID 83712
(208) 493-0499

2013 DEC 18 P 12:16

RECEIVED
INDUSTRIAL COMMISSION

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL,)	IDOL # 1961-2014
)	
Claimant/Respondent)	
)	
vs.)	NOTICE OF APPEAL AND
)	APPEARANCE ON BEHALF
)	OF EMPLOYER/APPELLANT
ST. LUKE'S REGIONAL MEDICAL)	ST. LUKE'S REGIONAL MEDICAL
CENTER, LTD.)	CENTER, LTD.
Employer/Appellant)	
)	
and)	
)	
BOISE PATHOLOGY GROUP PA,)	
Major Base Employer)	
)	
and)	
)	
IDAHO DEPARTMENT OF LABOR.)	
)	
)	

TO THE ABOVE NAMED PARTIES:

Please be advised that Jeffrey S. Wilson (ISB #7949), Associate General Counsel for St. Luke's Health System, Ltd., hereby enters a Notice of Appeal and Appearance on behalf of Employer/Appellant St. Luke's Regional Medical Center, Ltd. Employer/Appellant hereby appeals the Decision of Appeals Examiner, issued by the Appeals Bureau of the Idaho

Department of Labor, dated December 6, 2013. All pleadings, correspondence and other mailings should be delivered to:

Jeffrey S. Wilson
ST. LUKE'S HEALTH SYSTEM, LTD.
190 E. Bannock Street
Boise, ID 83712

DATED this 18th day of December, 2013.



Jeffrey S. Wilson
Associate General Counsel
St. Luke's Health System, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF APPEAL AND APPEARANCE ON BEHALF OF EMPLOYER/APPELLANT ST. LUKE'S REGIONAL MEDICAL CENTER, LTD was delivered as indicated on December 18, 2013 to the following:

Via U.S. Mail

Joan M. Thrall
1402 S. Gourley Street
Boise, Idaho 83705
Claimant/Respondent

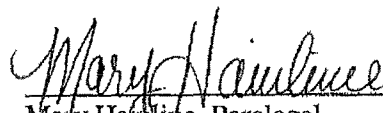
Boise Pathology Group PA
190 E. Bannock Street
Boise, ID 83712-6241

Greg Lawson
Hammond Law Office P.A.
811 E. Chicago Street
Caldwell, ID 83605

Idaho Department of Labor
Appeals Bureau
317 W. Main St.
Boise, ID 83735-0720

Via Hand-Delivery

Idaho Industrial Commission
Judicial Division, IDOL Appeals
700 S. Clearwater Lane
PO Box 83720
Boise, ID 83720-0041


Mary Hamline, Paralegal

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL,
SSN: 564-11-7463,

Claimant,

v.

ST. LUKE'S REGIONAL MEDICAL
CENTER, LTD.,

Employer,

and

BOISE PATHOLOGY GROUP, P.A.,

Major Base Employer,

and

IDAHO DEPARTMENT OF LABOR.

IDOL # 1961-2014

**NOTICE OF FILING
OF APPEAL**

FILED

DEC 27 2013

INDUSTRIAL COMMISSION

PLEASE TAKE NOTICE: The Industrial Commission has received an appeal from a decision of an Appeals Examiner of the Idaho Department of Labor. A copy of the appeal is enclosed, along with a copy of the Commission's Rules of Appellate Practice and Procedure.

PLEASE READ ALL THE RULES CAREFULLY

The Industrial Commission promptly processes all unemployment appeals in the order received. In the mean time, you may want to visit our web site for more information: www.iic.idaho.gov.

The Commission will make its decision in this appeal based on the record of the proceedings before the Appeals Examiner of the Idaho Department of Labor.

INDUSTRIAL COMMISSION
POST OFFICE BOX 83720
BOISE IDAHO 83720-0041
(208) 334-6024

Calls Received by the Industrial Commission May Be Recorded

NOTICE OF FILING OF APPEAL - 1

Jeffrey S. Wilson (ISB# 7949)
ST. LUKE'S HEALTH SYSTEM, LTD.
190 E. Bannock St.
Boise, ID 83712
(208) 493-0499

2013 DEC 18 P 12:16

RECEIVED
INDUSTRIAL COMMISSION

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL,)	IDOL # 1961-2014
)	
Claimant/Respondent)	
)	
vs.)	NOTICE OF APPEAL AND
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)	OF EMPLOYER/APPELLANT
ST. LUKE'S REGIONAL MEDICAL)	ST. LUKE'S REGIONAL MEDICAL
CENTER, LTD.)	CENTER, LTD.
Employer/Appellant)	
)	
and)	
)	
BOISE PATHOLOGY GROUP PA,)	
Major Base Employer)	
)	
and)	
)	
IDAHO DEPARTMENT OF LABOR.)	
)	
_____)	

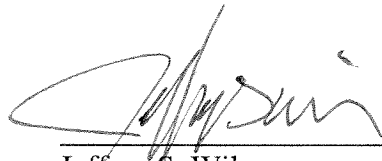
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Please be advised that Jeffrey S. Wilson (ISB #7949), Associate General Counsel for St. Luke's Health System, Ltd., hereby enters a Notice of Appeal and Appearance on behalf of Employer/Appellant St. Luke's Regional Medical Center, Ltd. Employer/Appellant hereby appeals the Decision of Appeals Examiner, issued by the Appeals Bureau of the Idaho

Department of Labor, dated December 6, 2013. All pleadings, correspondence and other mailings should be delivered to:

Jeffrey S. Wilson
ST. LUKE'S HEALTH SYSTEM, LTD.
190 E. Bannock Street
Boise, ID 83712

DATED this 18th day of December, 2013.

A handwritten signature in black ink, appearing to read 'Jeffrey S. Wilson', is written over a horizontal line.

Jeffrey S. Wilson
Associate General Counsel
St. Luke's Health System, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF APPEAL AND APPEARANCE ON BEHALF OF EMPLOYER/APPELLANT ST. LUKE'S REGIONAL MEDICAL CENTER, LTD was delivered as indicated on December 18, 2013 to the following:

Via U.S. Mail

Joan M. Thrall
1402 S. Gourley Street
Boise, Idaho 83705
Claimant/Respondent


Boise Pathology Group PA
190 E. Bannock Street
Boise, ID 83712-6241

Greg Lawson
Hammond Law Office P.A.
811 E. Chicago Street
Caldwell, ID 83605

Idaho Department of Labor
Appeals Bureau
317 W. Main St.
Boise, ID 83735-0720

Via Hand-Delivery

Idaho Industrial Commission
Judicial Division, IDOL Appeals
700 S. Clearwater Lane
PO Box 83720
Boise, ID 83720-0041



Mary Hainline, Paralegal

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of December, 2013 a true and correct copy of the **Notice of Filing of Appeal and compact Disc of hearing** was served by regular United States mail upon the following:

APPEAL:

BOISE PATHOLOGY GROUP PA
190 E BANNOCK ST
BOISE ID 83712-6241

APPEAL AND DISC:

JOAN M THRALL
C/O GREG LAWSON
811 E CHICAGO ST
CALDWELL ID 83605

ST LUKE'S REGIONAL MEDICAL CENTER LTD
C/O JEFFREY S WILSON
190 E BANNOCK ST
BOISE ID 83712

DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF LABOR
STATE HOUSE MAIL
317 W MAIN STREET
BOISE ID 83735

kh


Assistant Commission Secretary

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CRAIG G. BLEDSOE – ISB# 3431
TRACEY K. ROLFSEN – ISB# 4050
CHERYL GEORGE – ISB# 4213
Deputy Attorneys General
Idaho Department of Labor
317 W. Main Street
Boise, Idaho 83735
Telephone: (208) 332-3570

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL,

Claimant,

vs.

ST LUKE'S REGIONAL MEDICAL
CENTER, LTD.,

and

BOISE PATHOLOGY GROUP, P.A.,

Employers,

and

IDAHO DEPARTMENT OF LABOR.

IDOL NO. 1961-2014

NOTICE OF APPEARANCE

FILED

JAN - 9 2014

INDUSTRIAL COMMISSION

TO THE ABOVE-NAMED PARTIES:

Please be advised that the undersigned Deputy Attorney General representing the Idaho Department of Labor hereby enters the appearance of said attorneys as the attorneys of record for the State of Idaho, Department of Labor, in the above-entitled

proceeding. By statute, the Department of Labor is a party to all unemployment insurance appeals in Idaho.

DATED this 7th day of January, 2014.



Tracey K. Rolfsen
Deputy Attorney General
Idaho Department of Labor

CERTIFICATE OF MAILING

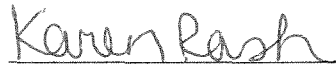
I HEREBY CERTIFY that a copy of the foregoing NOTICE OF APPEARANCE, was mailed, postage prepaid, this 7th day of January, 2014, to:

JOAN M THRALL
1402 S GOURLEY STREET
BOISE ID 83705

GREG LAWSON
HAMMOND LAW OFFICE P.A.
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ST LUKE'S REGIONAL MEDICAL
CENTER LTD
JEFFREY S WILSON
190 E BANNOCK ST
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BOISE PATHOLOGY GROUP PA
190 E BANNOCK STREET
BOISE ID 83712-6241



BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL,

SSN: [REDACTED]

Claimant,

v.

ST. LUKE'S REGIONAL MEDICAL,

Employer,

and

BOISE PATHOLOGY GROUP, P.A.,

Major Base Employer,

and

IDAHO DEPARTMENT OF LABOR.

IDOL # 1961-2014

DECISION AND ORDER

FILED

FEB 12 2014

INDUSTRIAL COMMISSION

Appeal of a Decision issued by an Idaho Department of Labor Appeals Examiner allowing Claimant unemployment insurance benefits. REVERSED.

Employer, St. Luke's Regional Medical, through counsel, appeals a Decision issued by the Idaho Department of Labor finding Claimant, Joan M. Thrall, eligible for unemployment insurance benefits. The Appeals Examiner found that Employer discharged Claimant for reasons other than misconduct in connection with the employment. Claimant and Employer participated in the hearing. Due process was adequate.

Although the Commission has discretion to hold a new hearing, the record does not indicate that the interests of justice require one. Idaho Code § 72-1368(7) (2013). Nor have any of the interested parties specifically requested a new hearing. A new hearing will not be held.

DECISION AND ORDER- 1

The undersigned Commissioners have conducted a *de novo* review of the record pursuant to Idaho Code § 72-1368(7). Spruell v. Allied Meadows Corp., 117 Idaho 277, 279, 787 P.2d 263, 265 (1990). The Commission has relied on the audio recording of the hearing conducted by the Appeals Examiner on December 2, 2013, along with the Exhibits [1 through 8] admitted into the record during that proceeding.

FINDINGS OF FACT

Based on the evidence in the record, the Commission sets forth the following Findings of Fact:

1. Claimant worked for Employer as a laboratory technician from March 13, 2000 until she separated from her employment on October 4, 2013. Claimant's job duties included tracking patient specimens and inputting patient information.
2. From the start of her employment until April 2013, Claimant made a few errors, but otherwise successfully performed her job.
3. In April 2013, Claimant started making patient identification errors. These errors violate Employer's policies and procedures. Employer placed her on corrective actions for the errors. She received a written warning on August 30, 2013, for mislabeling and selection of wrong patients on lab specimens. She received coachings and counselings. Claimant noted on the warning that she "plan[s] to improve my inputting of patient information in the future."
4. Claimant was aware that her job was in jeopardy.
5. A week before her separation, Claimant was suspended for making an error.
6. On October 1, 2013, Claimant made yet another error. Claimant received a specimen identified with a patient name and birthdate. There were two patients with the same name, but different birthdays in Employer's system. Claimant selected the wrong patient.
7. Properly identifying patients is the foundation of laboratory results. Failure to do so could result in the release of results to the wrong individual or release of wrong results to the right patient. In the event of an identification error, a patient's history also would not have transferred properly if the error was not caught.

DECISION AND ORDER- 2

8. Claimant met with Employer on October 4, 2013. Claimant asserts Employer told her she could either resign or be terminated. Employer's witnesses, Anne Sergeant and Brenda Miranda, testified that Claimant was not told she would be discharged if she did not resign. In any event, Ms. Sergeant and Ms. Miranda acknowledged that if Claimant had not resigned, she would have been immediately discharged. Employer and Claimant discussed her options regarding resignation. Thereafter, Claimant completed and submitted her resignation form.

DISCUSSION

Claimant worked for Employer as a laboratory technician from March 13, 2000 until October 4, 2013. Prior to April 2013, Claimant had successfully performed her job duties, with the exception of a few errors. However, in April 2013, Claimant began making patient identification errors and she was placed on corrective action. A week before October 4, 2013, Claimant was suspended for making an error. On October 1, 2013, Claimant made yet another error. On October 4, 2013, Employer's Assistant Director of Laboratory Service, Anne Sergeant, and the Manager of the Boise Laboratory, Brenda Miranda, met with Claimant about her errors. Claimant knew her job was in jeopardy. After discussing her options and if she should resign, Claimant did so. She completed and submitted a resignation form. (Audio Recording.)

Claimant asserts that if she did not quit, she would have been discharged. Therefore, even though Claimant submitted her resignation, she asserts that her resignation was forced and she was effectively discharged. Employer contends that Claimant did quit, and did so willingly and voluntarily. (Audio Recording.)

In cases where there is a dispute as to whether a claimant was discharged or voluntarily quit, the legal test is whether there are sufficient words or actions by the employer to logically lead a prudent employee to believe that his or her employment was terminated. Jackson v.

DECISION AND ORDER- 3

Minidoka Irrigation District, 98 Idaho 330, 334-335, 583 P. 2d 54, 58-59 (1977). Claimant bears the initial burden of demonstrating that the separation resulted from a discharge. “Only if the claimant proves discharge does the employer have the burden of proving misconduct.” Johnson v. Idaho Central Credit Union, 127 Idaho 867, 869, 908 P.2d 560, 562 (1995).

The record does not sufficiently establish that Employer discharged Claimant. Claimant testified that Ms. Sergeant and Ms. Miranda informed her that she could either quit or be discharged. They discussed the resignation option. After doing so, it is undisputed that Claimant chose to resign. (Audio Recording.) She completed the resignation form and submitted it to Employer. (Audio Recording; Exhibit 4, p. 4.)

The record shows that Claimant was aware that she could either quit or be discharged, and, after discussing the matter with Employer, she chose to resign. Even though Claimant did so to avoid being discharged, that fact alone does not require that this matter be reviewed as a discharge. *See Hine v. Twin Falls County*, 114 Idaho 244, 755 P.2d 1282 (1988). The choice between quitting and being discharged was solely within Claimant’s discretion. She chose to quit. Claimant has not sufficiently shown that the separation resulted from a discharge. It must next be determined whether she quit for good cause connected with her employment.

Idaho Code § 72-1366(5) provides, in part, that a claimant is eligible for unemployment insurance benefits if he or she quits for employment-related “good cause.” If a claimant voluntarily quits, the claimant bears the burden of proving, by a preponderance of the evidence, that s/he quit for “good cause.” Edwards v. Independence Serv., Inc., 140 Idaho 912, 915, 104 P.3d 954, 957 (2004). “A preponderance of the evidence is evidence that, when weighed with that opposed to it, has more convincing force and from which a greater probability of truth results.” *Id.* at 916, 104 P.3d at 958.

DECISION AND ORDER- 4

What constitutes “good cause” for quitting employment is defined both by the Idaho Supreme Court and in the Idaho Administrative Code. IDAPA 09.01.30.450.03 provides that “good cause” is established when the claimant demonstrates that his or her real, substantial, and compelling circumstances would have forced a “reasonable person” to quit. “Good cause” must be connected with employment, and the reason for leaving must arise from the working conditions, job tasks, or employment agreement. Purely personal reasons are not “good cause” for quitting a job. IDAPA 09.01.30.450.02. Further, when an employee has viable options available, voluntary termination without exploring those options does not constitute good cause for obtaining unemployment compensation. Higgins v. Larry Miller Subaru-Mitsubishi, 145 Idaho 1, 4-5, 175 P.3d 163, 166-167 (2007).

Claimant’s job duties included tracking patient specimens and inputting patient information. Employer placed Claimant on corrective action for patient identification errors she had made since April 2013. Claimant received a warning on August 30, 2013, which stated she received coaching and counseling regarding the mislabeling and selection of the wrong patient on a specimen. (Exhibit 8, p. 4.) Thereafter, Claimant was suspended for making another patient error. On October 1, 2013, Claimant made yet another error. Claimant was aware of her errors, she did not dispute that they violated Employer’s policies and procedures, and knew that her job was in jeopardy. On October 4, 2013, Employer met with Claimant. Claimant argues that Employer stated she had two options; either resign or be terminated. Claimant opted to resign. (Audio Recording.)

Claimant maintains she quit because she would have been terminated otherwise. (Audio Recording.) Generally, a claimant who quits because he or she believes that the employer is preparing to discharge him or her is not eligible for unemployment benefits. Re Claim of Reed,

DECISION AND ORDER- 5

188 App Div 725, 590 NYS2d 602 (1992), Ganter v. Unemployment Compensation Bd. of Review, 723 A.2d 272 (Pa Commw. Ct. 1999). As the Idaho Supreme Court has pointed out, “the very purpose of Idaho’s Employment Security Law is the setting aside of unemployment reserves ‘to be used for the benefits of persons unemployed through no fault of their own.’ I.C. § 72-1302.” Hine, 114 Idaho at 246, 755 P.2d at 1284. Therefore, when a claimant quits to avoid an imminent discharge, that claimant must demonstrate that the discharge would have been for reasons other than employment-related misconduct in order to show he or she had good cause to quit the employment. Id.

Claimant has not demonstrated that her imminent discharge would have been for reasons other than misconduct connected with employment. The Idaho Supreme Court has defined misconduct as a willful, intentional disregard of the employer’s interest; a deliberate violation of the employer’s rules; or a disregard of standards of behavior which the employer has a right to expect of its employees. Gunter v. Magic Valley Regional Medical Center, 143 Idaho 63, 137 P.3d 450 (2006). The record contains ample evidence that Claimant’s conduct constituted a disregard of a standard of behavior which Employer had a right to expect.

Under the standards of behavior test, it must be shown that the claimant’s conduct fell below the standard of behavior the employer expected and that the employer’s expectation was objectively reasonable under the particular circumstances. Harris v. Electrical Wholesale, 141 Idaho 1, 105 P.3d 267 (2004). Further, the employer must communicate expectations and duties that do not naturally flow from the employment relationship. Pimley v. Best Values, Inc., 132 Idaho 432, 974 P.2d 78 (1999). Notably, there is no requirement that the employer must demonstrate that the employee’s disregard of the employer’s preferred standard of behavior was

subjectively willful, intentional, or deliberate. Welch v. Cowles Publishing Co., 127 Idaho 361, 364, 900 P.2d 1372, 1375 (1995).

Employer expected Claimant would not make patient identification errors in her job duties. Employer communicated this expectation through several warnings. On August 30, 2013, Claimant received a written warning which noted that Employer counseled and coached Claimant about mislabeling and selection of wrong patients on specimens. Claimant signed the warning and wrote "I plan to improve my inputting of patient information in the future." (Exhibit 8, p. 4.) Claimant acknowledged receiving the warning and was aware that making patient identification errors was placing her job in jeopardy. (Audio Recording.) Therefore, Employer's expectation was adequately communicated to Claimant.

Furthermore, Employer's expectation was objectively reasonable. Ms. Sergeant testified that properly identifying patients is the foundation of laboratory results. Failure to do so could result in the release of results to the wrong individual or release of wrong results to the right patient. Ms. Sergeant also stated that a patient's history would not have transferred properly if the error was not caught. (Audio Recording.) Therefore, properly identifying patients was a business necessity.

Claimant was last warned the week before her separation, when she received a suspension for making a patient identification error. Thereafter, she made another error on October 1, 2013. (Audio Recording.) Employer's system contained two individuals with the same name as found on the specimen, but each had a different birthdate. Claimant chose the wrong patient in Employer's data base for the sample. (Audio Recording.)

Claimant does not dispute that she made the errors as Employer alleges or that she received the warnings. All of the parties provided credible evidence. Therefore, based on the

DECISION AND ORDER- 7

evidence in this record, Claimant's conduct continued on October 4, 2013, despite receiving several warnings. If Claimant had been discharged, she would have been discharged for misconduct in connection with employment.

Claimant argues that she falls within an exception contemplated in the Idaho Administrative Code. (Audio Recording.) IDAPA 09.01.30.275.03 states "Mere inefficiency, unsatisfactory conduct, failure of good performance as the result of inability or incapacity, inadvertencies, isolated instances of ordinary negligence, or good faith errors in judgment or discretion are not considered misconduct connect with employment." Specifically, Claimant asserts that she was unable to perform her job functions. (Audio Recording.) However, the record does not adequately support this assertion. Claimant testified that she had been in her position for twelve years, and, prior to April 2013, she had successfully completed her job. (Audio Recording.) She did not provide a reason for why she was able to adequately perform her job before, but had ongoing problems with patient identification as of April 2013. Furthermore, Claimant's errors were not isolated incidents. Employer stated that Claimant had had previous patient identification errors prior to the incident that led to her discharge. (Audio Recording.) She was adequately warned and coached on her errors. However, Claimant's conduct did not change. The record lacks sufficient evidence to find that Claimant circumstances fit within the exception.

Since Claimant failed to show that she would have been imminently discharged for reasons other than misconduct, she has not shown that she quit her job with good cause connected with the employment. Therefore, Claimant is ineligible for unemployment benefits.

DECISION AND ORDER- 8

CONCLUSION OF LAW

Claimant voluntarily quit a job without good cause connected with the employment.

ORDER

Based on the foregoing analysis, the Decision of the Appeals Examiner is REVERSED.

Claimant voluntarily quit a job without good cause connected with the employment. This is a final order under Idaho Code § 72-1368(7).

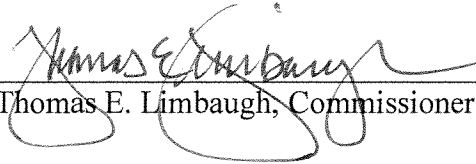
DATED this 12th day of February, 2014.

INDUSTRIAL COMMISSION



Thomas P. Baskin, Chairman

R.D. Maynard, Commissioner



Thomas E. Limbaugh, Commissioner

ATTEST:




Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February 2014, a true and correct copy of **Decision and Order** was served by regular United States mail upon each of the following:

JOAN M THRALL
C/O GREG LAWSON
811 E CHICAGO ST
CALDWELL ID 83605

ST LUKE'S REGIONAL MEDICAL CENTER LTD
C/O JEFFREY S WILSON
190 E BANNOCK ST
BOISE ID 83712

DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF LABOR
STATE HOUSE MAIL
317 W MAIN STREET
BOISE ID 83735

kh

A handwritten signature in cursive script, appearing to read "Kim F. Henderson", is written over a horizontal line.

GREG LAWSON ISB # 9076
HAMMOND LAW OFFICE, PA
811 East Chicago Street
Caldwell, Idaho 83605

Telephone: (208) 453 - 4857

Facsimile: (208) 453 - 4861

Email: greg@hammondlawoffice.com

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INDUSTRIAL COMMISSION

Attorney for Claimant-Appellant

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL
Claimant-Appellant

IDOL # 1961-2014

v.

NOTICE OF APPEAL

BOISE PATHOLOGY GROUP, P.A.
Employer,

and

IDAHO DEPARTMENT OF LABOR,

Defendants-Respondents.

TO: THE ABOVE NAMED RESPONDENTS AND THE PARTY'S ATTORNEY OF RECORD, AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Claimant-Appellant, Joan Thrall, appeals against the above named respondents, to the Idaho Supreme Court from the Final Order entered in the above entitled proceeding by Chairman Thomas P. Baskin and Commissioner Thomas E. Limbaugh; Claimant-Appellant has a right to appeal to the Idaho Supreme Court, and the orders described in paragraph number one above may be appealed under and pursuant to I.C. § 72-1368(9) and I.A.R. 14(b).

2. Claimant-Appellant appeals the Decision and Order signed by Chairman Baskin and Commissioner Limbaugh on the 12th of February 2014
3. The Claimant-Appellant's preliminary statement of the issues is as follows:
 - a. Did the Industrial Commission err as a matter of law or abuse their discretion when they ruled that Claimant's separation from employment was a voluntary quit?
 - b. Did the Industrial Commission err as a matter of law or abuse their discretion when they ruled that Claimant did not possess good cause to leave her employment when she was to be terminated immediately had she not resigned?
 - c. Did the Industrial Commission err as a matter of law or abuse their discretion when they placed the burden of proof and presentation on the Claimant to prove the non-existence of misconduct?
 - d. Did the Industrial Commission err as a matter of law or abuse their discretion when they ruled that Claimant's mistakes constituted misconduct for unemployment purposes?
 - e. Did the Industrial Commission abuse their discretion or err as a matter of law when they determined the Claimant was ineligible for unemployment benefits?
4. No order has been entered sealing any portion of the record.
5. The Claimant-Appellant requests the reporter's entire standard transcript of all hearings and all Orders, Motions, Briefs, Responses, Affidavits, exhibits and other documents filed herein, preferably in electronic form.
6. I certify:
 - a. That a copy of this notice of appeal has been served on each reporter of whom a

transcript has been requested as named below and at the address set out in the Certificate of Service below.

- b. That the clerk of the Idaho Industrial Commission will be paid the estimated fee for preparation of the reporter's transcript and record.
- c. That the appellate filing fee has been paid.
- d. That service has been made upon all parties required to be served pursuant to Rule 20.

DATED THIS 25 day of March, 2014


Greg Lawson
Attorney for the Appellant-Claimant

CERTIFICATE OF SERVICE: I HEREBY CERTIFY that a true and correct copy of the foregoing document was sent on this 25 day of March 2014, to the parties and method outlined below:

St. Luke's Regional Medical Center LTD
C/O Jeffrey S. Wilson
190 E. Bannock St.
Boise ID 83712

Hand Delivered ☐
U.S. Mail ☒
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Idaho Supreme Court
451 W. State St.
Boise, Idaho 83702
Phone (208) 334-2210

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Fed. Express ☐

Idaho Industrial Commission
P.O. Box 83720-0041
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700 S. Clearwater Lane, Boise, ID 83712
Judicial Division
Fax (208) 334-2321 / 332-7558

Hand Delivered
U.S. Mail
Fax
Fed. Express

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Deputy Attorney General
Idaho Department of Labor
State House Mail
317 W. Main Street
Boise, ID 83735

Hand Delivered
U.S. Mail
Fax
Fed. Express

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

DATED THIS 25th day of March 2014


Greg Lawson
Attorney for the Appellant-Claimant

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

JOAN M. THRALL,

Claimant/Appellant,

v.

ST. LUKE'S REGIONAL MEDICAL,

Employer/Respondent,

and

BOISE PATHOLOGY GROUP, P.A.,

and

IDAHO DEPARTMENT OF LABOR,

Respondent.

SUPREME COURT NO. 41991

CERTIFICATE OF APPEAL
OF *Joan M. Thrall*

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IDAHO SUPREME COURT
COURT OF APPEALS
MAR 28 2014 11 05 52

Appeal From: Industrial Commission Chairman Thomas P. Baskin presiding.

Case Number: IDOL # 1961-2014

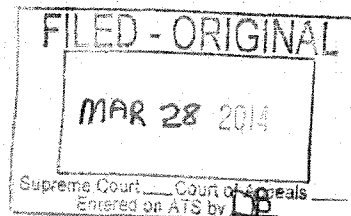
Order Appealed from: DECISION AND ORDER ENTERED FEBRUARY 12, 2014

Representative/Claimant: JOAN M THRALL
C/O GREG LAWSON
811 E CHICAGO ST
CALDWELL ID 83605

Representatives/Employers: ST LUKE'S REGIONAL MEDICAL CENTER LTD
C/O JEFFREY S WILSON
190 E BANNOCK ST
BOISE ID 83712

BOISE PATHOLOGY GROUP PA
190 E BANNOCK ST
BOISE ID 83712-6241

CERTIFICATE OF APPEAL OF JOAN M. THRALL - 1



Representative/IDOL: TRACEY K ROLFSEN
IDAHO DEPARTMENT OF LABOR
317 W MAIN ST
BOISE ID 83735

Appealed By: JOAN M. THRALL, Claimant/Appellant

Appealed Against: ST. LUKES REGIONAL MEDICAL, BOISE PATHOLOGY
GROUP, P.A. and IDAHO DEPARTMENT OF
LABOR/Respondents

Notice of Appeal Filed: March 25, 2014

Appellate Fee Paid: \$94.00 (Check Attached)

Name of Reporter: M DEAN WILLIS
PO BOX 1241
EAGLE ID 83616

Transcript: Transcript Ordered

Dated: March 27, 2014



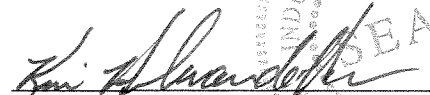
Kim Helmandollar, Assistant Commission Secretary

CERTIFICATE OF APPEAL OF JOAN M. THRALL - 2

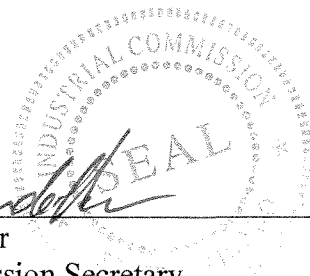
CERTIFICATION

I, Kim Helmandollar, the undersigned Assistant Commission Secretary of the Industrial Commission of the State of Idaho, hereby CERTIFY that the foregoing is a true and correct photocopy of the Notice of Appeal filed March 25, 2014; Decision and Order filed February 12, 2014; and the whole thereof, Docket Number 1961-2014 for Joan M. Thrall.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 27th day of March, 2014.



Kim Helmandollar
Assistant Commission Secretary



GREG LAWSON ISB # 9076
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Facsimile: (208) 453 - 4861
Email: greg@hammondlawoffice.com

Attorney for Claimant-Appellant

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOAN M. THRALL
Claimant-Appellant

IDOL # 1961-2014

v.

AMENDED NOTICE OF APPEAL

ST. LUKES REGIONAL MEDICAL
CENTER
Employer

And

BOISE PATHOLOGY GROUP, P.A.
Major Base Employer.

and

IDAHO DEPARTMENT OF LABOR.
Defendants-Respondents.

RECEIVED
INDUSTRIAL COMMISSION
MAY 29 10 11 AM

TO: THE ABOVE NAMED RESPONDENTS AND THE PARTY'S ATTORNEY OF
RECORD, AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Claimant-Appellant, Joan Thrall, appeals against the above named respondents, to the Idaho Supreme Court from the Final Order entered in the above entitled proceeding by Chairman Thomas P. Baskin and Commissioner Thomas E. Limbaugh; Claimant-Appellant has a right to appeal to the Idaho Supreme Court, and the orders described in paragraph number one above may be appealed under and pursuant to

I.C. § 72-1368(9) and I.A.R. 14(b).

2. Claimant-Appellant appeals the Decision and Order signed by Chairman Baskin and Commissioner Limbaugh on the 12th of February 2014
3. The Claimant-Appellant's preliminary statement of the issues is as follows:
 - a. Did the Industrial Commission err as a matter of law or abuse their discretion when they ruled that Claimant's separation from employment was a voluntary quit?
 - b. Did the Industrial Commission err as a matter of law or abuse their discretion when they ruled that Claimant did not possess good cause to leave her employment when she was to be terminated immediately had she not resigned?
 - c. Did the Industrial Commission err as a matter of law or abuse their discretion when they placed the burden of proof and presentation on the Claimant to prove the non-existence of misconduct?
 - d. Did the Industrial Commission err as a matter of law or abuse their discretion when they ruled that Claimant's mistakes constituted misconduct for unemployment purposes?
 - e. Did the Industrial Commission abuse their discretion or err as a matter of law when they determined the Claimant was ineligible for unemployment benefits?
4. No order has been entered sealing any portion of the record.
5. The Claimant-Appellant requests the reporter's entire standard transcript of all hearings and all Orders, Motions, Briefs, Responses, Affidavits, exhibits and other documents filed herein, preferably in electronic form.
6. I certify:

- a. That a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below and at the address set out in the Certificate of Service below.
- b. That the clerk of the Idaho Industrial Commission will be paid the estimated fee for preparation of the reporter's transcript and record.
- c. That the appellate filing fee has been paid.
- d. That service has been made upon all parties required to be served pursuant to Rule 20.

DATED THIS 28 day of April, 2014


 Greg Lawson
 Attorney for the Appellant-Claimant

CERTIFICATE OF SERVICE: I HEREBY CERTIFY that a true and correct copy of the foregoing document was sent on this 28 day of April 2014, to the parties and method outlined below:

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 Fed. Express ☐

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Boise, Idaho 83702
Phone (208) 334-2210

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U.S. Mail ☒
Fax ☐
Fed. Express ☐


Idaho Industrial Commission
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700 S. Clearwater Lane. Boise, ID 83712
Judicial Division
Fax (208) 334-2321 / 332-7558

Hand Delivered ☐
U.S. Mail ☒
Fax ☐
Fed. Express ☐

Deputy Attorney General
Idaho Department of Labor
State House Mail
317 W. Main Street
Boise, ID 83735

Hand Delivered ☐
U.S. Mail ☒
Fax ☐
Fed. Express ☐

DATED THIS 28 day of April 2014



Greg Lawson
Attorney for the Appellant-Claimant

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611 E. Chicago St
Caldwell, ID 83605

Forward Address Requested

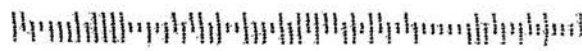
BOISE ID 837

28 APR 2014



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MAILED FROM ZIP CODE 83605

Idaho Industrial Commission
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Boise, ID 83720



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Facsimile: (208) 343-3232

*Attorneys for Employer/Respondent
St. Luke's Regional Medical Center, Ltd.*

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IDAHO SUPREME COURT
COURT OF APPEALS

2014 APR 30 PM 4:28

IN THE SUPREME COURT OF THE STATE OF IDAHO

JOAN M. THRALL,
Claimant/Appellant,
v.
ST. LUKE'S REGIONAL MEDICAL
CENTER, LTD.,
Employer/Respondent,
and
BOISE PATHOLOGY GROUP, P.A.,
Major Base Employer,
and
IDAHO DEPARTMENT OF LABOR.

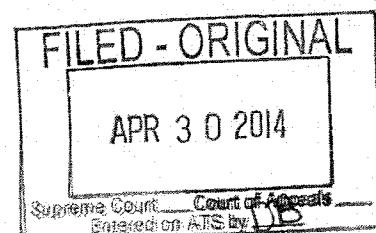
Supreme Court No. 41991

IDOL Case No. 1961-2014

**NOTICE OF APPEARANCE ON BEHALF
OF EMPLOYER/RESPONDENT
ST. LUKE'S REGIONAL MEDICAL
CENTER, LTD.**

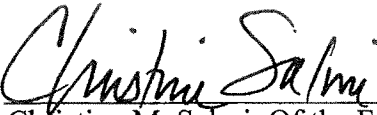
PLEASE TAKE NOTICE that Christine M. Salmi with the law firm of Perkins Coie, LLP, hereby appears as counsel of record for Employer/Respondent St. Luke's Regional Medical Center, Ltd. in the above-entitled matter. Please direct all future notices and other filings in this matter to:

Christine M. Salmi
PERKINS COIE, LLP
1111 West Jefferson St., Ste. 500
Boise, ID 83702-5391
Telephone: (208) 343-3434
Facsimile: (208) 343-3232
Email: csalmi@perkinscoie.com



DATED: April 30, 2014

PERKINS COIE LLP

By: 
Christine M. Salmi, Of the Firm

*Attorneys for Employer/Respondent,
St. Luke's Regional Medical Center, Ltd.*

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 30, 2014, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Idaho Appellate Rules, to the following person:

Greg Lawson
HAMMOND LAW OFFICE, PA
811 East Chicago Street
Caldwell, Idaho 83605
Facsimile: (208) 453-4861

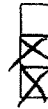
Hand Delivery
U.S. Mail
Facsimile:



Attorneys for Claimant/Appellant
Joan M. Thrall

Tracey K. Rolfsen
Craig G. Bledsoe
Cheryl George
Deputy Attorneys General
Idaho Department of Labor
317 West Main Street
Boise, Idaho 83736
Facsimile: (208) 334-6125

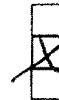
Hand Delivery
U.S. Mail
Facsimile:



Attorneys for Idaho Department of Labor

Boise Pathology Group, P.A.
190 East Bannock Street
Boise, Idaho 83712-6241

Hand Delivery
U.S. Mail
Facsimile:

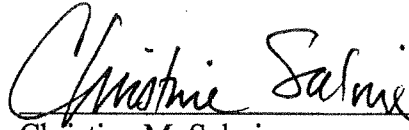


Major Base Employer/Respondent

Idaho Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Facsimile: (208) 332-7558

Hand Delivery
U.S. Mail
Facsimile:




Christine M. Salmi

CERTIFICATION OF RECORD

I, Kim Helmandollar, the undersigned Assistant Commission Secretary of the Industrial Commission, do hereby certify that the foregoing record contains true and correct copies of all pleadings, documents, and papers designated to be included in the Agency's Record on appeal by Rule 28(3) of the Idaho Appellate Rules and by the Notice of Appeal, pursuant to the provisions of Rule 28(b).

I further certify that all exhibits admitted in this proceeding are correctly listed in the List of Exhibits (i). Said exhibits will be lodged with the Supreme Court after the Record is settled.

DATED this 2nd day of May, 2014.


Assistant Commission Secretary



CERTIFICATION OF RECORD – (JOAN M. THRALL SC#41991)

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

JOAN M. THRALL,

Claimant/Appellant,

v.

ST. LUKE'S REGIONAL MEDICAL CENTER,

Employer/Respondent,

and

BOISE PATHOLOGY GROUP, P.A.,

Major Base Employer/Respondent,

IDAHO DEPARTMENT OF LABOR,

Respondent.

SUPREME COURT NO. 41991

NOTICE OF COMPLETION

TO: Stephen W. Kenyon, Clerk of the Courts; and
Greg Lawson, Attorney for Joan M. Thrall, Claimant/Appellant; and
Christine M. Salmi, Attorney for St. Luke's Regional Medical Center,
Employer/Respondent; and
Boise Pathology Group, P.A., Major Base Employer/Respondent; and
Tracey K. Rolfsen, Esq., for Idaho Department of Labor/Respondent.

YOU ARE HEREBY NOTIFIED that the Agency's Record was completed on this date,
and, pursuant to Rule 24(a) and Rule 27(a), Idaho Appellate Rules, copies of the same have been
served by regular U.S. mail upon each of the following:

Address For Claimant/Appellant

JOAN M THRALL
C/O GREG LAWSON
811 E CHICAGO ST
CALDWELL ID 83605

NOTICE OF COMPLETION (JOAN M. THRALL SC # 41991) - 1

Address For Employers/Respondents

ST LUKE'S REGIONAL MEDICAL CENTER LTD
C/O CHRISTINE M SALMI
PERKINS COIE LLP
1111 WEST JEFFERSON ST STE 500
BOISE ID 83702-5391

BOISE PATHOLOGY GROUP PA
190 E BANNOCK ST
BOISE ID 83712-6241

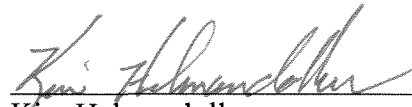
Address For Respondent

TRACEY K ROLFSEN
DEPUTY ATTORNEY GENERAL
317 W MAIN STREET
BOISE ID 83735

You are further notified that, pursuant to Rule 29(a), Idaho Appellate Rules, all parties have *twenty-eight days* from this date in which to file objections to the Record, including requests for corrections, additions or deletions. In the event no objections to the Agency's Record are filed *within the twenty-eight day period*, the Transcript and Record shall be deemed settled.

DATED at Boise, Idaho this 2nd day of May, 2014.

INDUSTRIAL COMMISSION



Kim Helmandollar
Assistant Commission Secretary